

2. *In an action brought under Art. 997, C. C. P., the attorney general is the sole dominus litis, and has the same right to control the conduct and settlement of the suit as if there were no private relator, and he may at any stage of the case withdraw the right of using his name.*

3. *A mandamus will not lie to the attorney general, as an officer of the Crown, in a prosecution under Art. 997, C. C. P.*

4. *The municipal authority of a city has power to sanction the closing of a public street.*

LORD WATSON:—

In this case, their lordships heard a very full argument upon a great variety of questions. They have not found it necessary to decide all of these questions; but they have thought it right to express their opinion upon some points, the decision of which is not, in the view which they take, necessary to the disposal of the appeal.

It is impossible to appreciate the various questions presented for decision, without referring, in detail, to the circumstances in which these have arisen, and also to the peculiar course of the present litigation in the Courts below. Before advertng to these proceedings, their lordships will notice certain facts which are either not in dispute, or have, in their opinion, been established by evidence.

The respondent company were incorporated by an Act of the Dominion Legislature, which empowered them to carry their line of railway through the city of Montreal. For effecting that purpose, they proposed to take and use a rectangular piece of ground (hereinafter referred to as "the area"), lying between Mountain Street and Bisson Street, two of the public streets of the city, which run parallel to each other. There was a lane wholly situated within the area, known as Blache Lane, which opened off Mountain Street and terminated in a *cul de sac*. The lands abutting on the lane belonged to private individuals, by whom it was used as an access to their properties. The company duly expropriated such parts of these properties as lay within the area, and had a frontage to the lane; and thus acquired the right to exclude all access to Blache Lane, except from Mountain Street.

The company submitted to the City Council, for approval, a plan for their contemplated works which showed, *inter alia*, that the line of railway was to be carried over Mountain Street by